

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BRIAN M. SNOW,

Plaintiff,

v.

LT. HINES, *et al.*,

Defendants.

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CASE NO. 2:17-cv-149-RAH

ORDER

On February 19, 2020, the Magistrate Judge filed a Recommendation that the Motion for Summary Judgment filed on behalf of Defendants Warden John E. Crow and Captain Ronzella Howard be GRANTED and the claims asserted against these defendants be dismissed. (Doc. 37.) In addition, the Magistrate Judge determined the Plaintiff has demonstrated a genuine dispute of material fact sufficient to preclude entry of summary judgment on his excessive force and failure-to-protect claims against Lieutenant Derrick Hines and Officer Cedric Weathers in their individual capacities, although the Defendants are entitled to summary judgment on the Plaintiff's claims lodged against them in their official capacities.

On March 3, 2020, Defendants Hines and Weather filed an Objection in Part to the Recommendation of the Magistrate Judge. (Doc. 38.) After careful review and consideration of the Objection, and upon independent review of the Recommendation of the Magistrate Judge and file in this case, it is

ORDERED as follows:

1. The Recommendation of the Magistrate Judge (Doc. 38) be and is hereby ADOPTED.
2. The Objection (Doc. 38) be and is hereby OVERRULED.
3. The Motion for Summary Judgment as to the Plaintiff's claims seeking monetary damages from them in their official capacities be GRANTED and these claims be DISMISSED with prejudice because the Defendants are entitled to absolute immunity from such damages.
4. The Motion for Summary Judgment on behalf of Defendants Weathers and Hines as to the excessive force and failure-to-protect claims brought against them in their individual capacities be DENIED.
5. The Motion for Summary Judgment on behalf of Defendants Crow and Howard in their individual and official capacities be GRANTED and these defendants be DISMISSED as parties to this action.
6. This case is REFERRED to the Magistrate Judge for an evidentiary hearing on the Plaintiff's surviving excessive force and failure-to-protect claims against Defendants Weathers and Hines for monetary damages in their individual capacities.

DONE, this 12th day of March, 2020.

/s/ R. Austin Huffaker, Jr.
R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE